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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/351,263	07/12/1999	DAN KIKINIS	P3304	9489
24739	7590	04/05/2005	EXAMINER	
CENTRAL COAST PATENT AGENCY			NGUYEN, STEVEN H D	
PO BOX 187			ART UNIT	
AROMAS, CA 95004			PAPER NUMBER	
			2665	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/351,263	<b>Applicant(s)</b> KIKINIS, DAN	
	<b>Examiner</b> Steven HD Nguyen	<b>Art Unit</b> 2665	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Lines 25-26, "the client communicator device" is vague and indefinite because it does not refer to any previous element. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maxemchuk (USP 6219346) in view of Buhrmann (USP 5903845) and Chen (IEEE).

Maxemchuk discloses (Fig 1-6 and col. 1-13) a wireless system operating with coupling to a data network telephony (DNT) comprising a base station connected to a DNT capable data network and to a plurality of wireless transceivers, each transceiver transmitting to a distinct area, the base station adapted to operate the transceivers (Fig 1 discloses a base station for

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coupling to plurality of transceivers and internet "DNT" wherein each of transceivers cover an service area and the transceivers) and a plurality of portable computer-enhanced client communicator units, including microphone and speaker apparatus, each assigned a unique address and adapted to communicate with the base station via the transceivers by a publicly accessible and to process DNT calls (Fig 1 and 6 discloses a plurality of mobile units including a microphone and speaker for receiving and transmitting voice and data packet wherein each mobile has a unique address and process a telephone call via a data network 100 and wireless network 90) and a hierarchical network which includes a mater router and a plurality of lover level routers between the data network and the base stations; a personal router application executable on the routers, base stations, transceivers and client communicator units (Fig 1, Ref 80 is mesh network "hierarchical network" which includes a master router "switch agent" and leaf router Ref 82 and 85 "low level routers"; the routers has routing module for receiving packet from switch agent and performing a routing function to route the packet to the mobile unit via routers, base station and transceivers wherein switching agent couples to WAN and low level routers coupled to the base station); each connected to a transceiver wherein the base station maintains a routing table includes listing addresses of communicators operating in the area and updating the routing table when the mobile unit roaming from one area to another wherein updating occurring in a minimum number of routers (Col 10, lines 12-34, discloses a base station and switching agent maintaining a list of the mobile unit in the area for routing the received packet and updating the list when the mobile moves to another area ). However, Maxemchuk does not disclose a personal router application executable on the base station, transceivers and client communicator units and individual clients are enabled, through the personal router

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application, to remotely edit routing rules unique to their own communicator Ids at the client communicator device regardless of whether or not the client device is connected to and communicating with the base station or transceivers and to upload the edited rules to the base station or one of transceivers for programming alternative actions for incoming calls and low level router maintains a table which is updated when the mobile move from one area to another with a minimum number of routers. In the same field of endeavor, Buhrmann discloses (Figs 1-11 and col. 1, lines 5 to col. 13, lines 6) the individual clients are enabled, through the personal router application, to remotely edit routing rules for their own communicator Ids and to upload the edited rules to the base station or transceivers for programming alternative actions for incoming calls and the client communicator and base stations are interacted by personal routing function (Fig 9, the subscriber executes PIM 130 program in the mobile unit for editing routing rules for incoming calls regardless whether or not the client communicator unit is connected to the base station and uploading it to a SCP which has a routing application for executing the routing information by retrieving the profile from a database 108; See col. 3, lines 42 to col. 4, lines 44; col. 6, lines 5-53; col. 7, lines 25-65 and Fig 7 for routing a call based on user profile). However, Maxemchuk and Burhmann fail to disclose updating the routing with a minimum numbers of routers when the unit is roaming. In the same field of endeavor, Chen discloses a method and system comprising a plurality of routers wherein the routing table of the routers are updated with a minimum number of routers when the mobile moves from one area to another (See Sec 4 for updating routing table of the router when the mobile moves from one area to another area, minimum of number of routers OSDF for performing hierarchical routing).

Since, Maxemchuk suggests a method for routing a voice and data packet between the mobile and the network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply updating the routing table with minimum number of routers as disclosed by Chen's system into the system of Maxemchuk's system for reducing the transit time between the source and destination. Furthermore, it would have been obvious to one of ordinary skill in the art to apply a personal router application for executing on the base station or transceiver and on the client mobile unit for editing the routing rules for their own mobile and uploading the edited rules to the base station or transceiver for using in routing incoming calls and the base station adapted to interact with client mobile in personal functions as disclosed by Buhrmann's system into Maxemchuk's system. The motivation would have been to provide an interface for user in order to allow the user to control the incoming calls in real time.

### *Response to Arguments*

5. Applicant's arguments filed 11/17/04 have been fully considered but they are not persuasive.

The applicant states that Buhrmann does not use the communicator unit for editing and uploading the routing rules because Buhrmann use a separating device such PC for editing and uploading the routing rules. In reply, Buhrmann discloses a communication unit including such as personal computer, laptop computer or the like and a wireless device such wireless telephone (Fig 9, Ref 904 is wireless telephone and Ref 122 is laptop and Fig 10, Ref 1002 and 122) which has a program for allowing the subscriber to edit and upload the routing rules to the base station in order to storing in the subscriber profile database which is used to control the incoming call

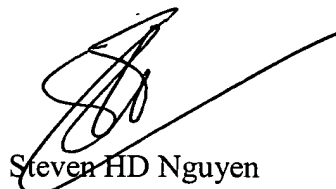
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for the subscriber. Therefore, the wireless telephone and computer of Burhmann read on the communication unit of the application (Fig 2, Ref 100).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
3/31/05